

(SRI P. M. NAD GOWDA)

levy of interest/surcharge as per rules and also subject to payment of current monthly bills regularly and the installation was reconnected on the same day. Even after expiry of the 2 months period the Village Panchayat has not cleared the arrears as well as not paid the current consumption charges and as a result, the arrears have further accumulated to Rs. 1,574.40 up to the end of June 1967.

The Secretary, Mysore State Electricity Board, states that the installation is liable for disconnection again if the arrears are not paid immediately as they are already overdue.

It is reported that water supply has been stopped from 1-7-67 due to machinery trouble.

Mr. SPEAKER.—Now Supplementary Demands.

### SUPPLEMENTARY AND ADDITIONAL DEMANDS FOR GRANTS FOR 1967-68.

*(Presentation)*

Sri H. R. ABDUL GAFFAR.—(Deputy Minister for Finance).—Sir, I beg to present a statement showing Supplementary and Additional Demands for Grants for the year 1967-68 (I instalment) as required under article 205 of the Constitution of India.

Mr. SPEAKER.—The Supplementary.....

Sri S. SIVAPPA (Sravanabelagola).—Sir, on a point of order. Now the hon'ble Finance Minister is placing the Supplementary Demand No. 1 before this House. The Appropriation Bill was passed only yesterday and it is yet to be passed by the Upper House. It is still under discussion. In the meanwhile, though the Appropriation Bill has not been passed there and it is only yesterday that this House passed it, I do not know how the Supplementary Demand so soon can be introduced. So, I want a ruling from the Chair. This is irregular and improper method of introducing a Supplementary Demand.

Sri H. SIDDAVEERAPPA.—Sir, in furtherance of the point of order raised by the Leader of the Opposition I would like to bring one or two additional points for your consideration. You may be pleased to see from the Memorandum appended to this Supplementary Demands; that we may not have any objection in regard to item 1 because this amount seems to have been spent after we agreed to the Supplementary Demand in the month of March before the financial year was closed for the year 1966-67. But there are other items namely, item 2 and 3-one is outside

the provision required for the current year, though the words 'current year' are not there I presume it refers to the current year and the other one is the loan to the Mysore State Electricity Board for financing the capital programme which is covered by additional assistance from Government of India. What this kind of budgetting shows is that there is no thinking when the budget for the year 1967-68 was placed before us. You will be pleased to see that we are with this subject since the last 4 to 5 months. As you can see the original proposal was given somewhere in the last week of March. When that is the position, what was the general thinking in this period? Now, immediately before our mouths are dried up, they have come out again with a supplementary demand and that clearly shows that this Government is bereft of all activities concerned with the framing of the budget. We therefore strongly feel that they could as well have monthly budget if they so desire; but the word 'budget' or the connotation for the word 'budget' will have to be revised. If that is the policy they are going to follow we feel that we should not encourage this kind of supplementary budgets coming up.

Mr. SPEAKER.—A point of order was raised by the Leader of the Opposition, Sri S. Sivappa. It was supported by the hon'ble member Sri H. Siddaveerappa. First, I have to observe that the point of order is with regard to presentation. I would appeal to the Leader of the Opposition to be more vigilant hereafter and not raise after it is moved by the Minister. I am overlooking this aspect and dealing with the point of order on the merits of the case. The point of order is to say that the Government is not competent to present the Supplementary Demands. The hon'ble member Sri H. Siddaveerappa made observations and referred to the details of the Demand with regard to first demand or one or two demands—because I have not seen them myself. He stated that there may not be any objection with regard to the other demand. To me it looks that these are matters for debate in the course of the discussion and voting rather than a preliminary point which can compel or enable a Presiding Officer to say that these demands should not be presented. The hon'ble Leader of the Opposition does not point out any particular portion which enables him to say that the point of order should be sustained. Article 205 was definitely quoted by the hon'ble Deputy Minister for Finance and that Article lays down two categories; one is when the amounts provided for in the budget are found to be inadequate, supplementary amounts have to be asked for and the second category is when a need has arisen during the current financial year for supplementary or additional expenditure under some new service not contemplated in the Annual Financial Statement for that year. So, unless it is pointed out that it is beyond the provisions of Art. 205 it may not be open for the Presiding Officer to say that the Government is incompetent to present it.

With regard to the acceptance or rejection on merits, it is beyond the domain of the Speaker to deal with it. Mr. Sivappa pointed out that the passing of the Appropriation Bill by this House has just been

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concluded only yesterday and it has not yet been placed on the Statute Book. Evidently what he has in his mind is whether it has been passed by the other House, whether it has been placed before the Head of the State for his assent and whether such assent has been accorded after which alone it becomes operative. Mr. Sivappa has not cited any authority or any prior discussion on this matter by any of the Legislatures or any of the rulings or conventions in this behalf. I therefore cannot uphold the point of order.

**Sri H. SIDDAVEERAPPA.**—Sir, I rise to a further point of order. The point of order I seek to make out is this. Without making any reference to the decision which you just now gave and to which we bow down, the point I would like to really make out is this. As soon as the Appropriation Bill is passed, though the Constitution may provide that the Supplementary Demands could be presented, we must take the spirit of the Constitution and not the letter. While giving the decision, the spirit of the Constitution will have to be borne in mind. Technically nobody can prevent; that is a different matter. But so soon after the Appropriation Bill is passed, would it not be a bad convention to move the Supplementary Demands almost the very next day?

**Mr. SPEAKER.**—A second point of order has been raised by the hon'ble Member Sri Siddaveerappa. With his immense tact and persuasiveness he has attempted to satisfy me that he is not reopening what I have said though by implication he has done so. I very well appreciate the spirit with which he has done it. The point is that the ruling given is perfectly consistent with the wording of the Constitution but that it violates the spirit of the Constitution. The spirit is a dangerous thing for me to catch; I am guided by the wording. Spirit does not exist outside the wording. Otherwise, we will be supplementing the Constitution by adding words. The spirit of the Constitution is that all useful things should be done and expenditure is one thing for which everybody clamours. Everybody clamours that this work should be taken up and that work should be taken up. I have not gone through the particular items; nor is it necessary for me to catch the spirit of the Constitution or to go into the merits because if I am to go into the merits it will be a dangerous thing. The simple proposition is whether before the Appropriation Bill is finally passed and placed on the Statute Book, it is open to the Government to introduce the Supplementary Demands. The spirit nowhere says that it should not be introduced; on the otherhand there is an express provision that if it could be presented a few days later, there is nothing wrong in presenting it a little earlier. There was the criticism as to why a long period has elapsed since the budget was prepared and in that connection the election year and attendant circumstances have formed the subject matter of discussion and the field has been opened up. I will not venture into it. I would confirm what I said earlier that neither the spirit nor the letter of the

Constitution prevents the presentation of the Supplementary Demands besides the budget.

The Supplementary Demands for the year 1967-68 (I Instalment) are presented to the House.

### **SPEAKER'S RULING *Re*: RAISING POINTS OF ORDER BY THE MEMBERS.**

Mr. SPEAKER.—Before taking up the legislative business, I want to give the ruling which is pending. The other day when this matter came up, a point of order was raised by Sri K. H. Patil and incidentally Sri Siddaveerappa wanted that on that point of order that all Members who were desirous of participating should be allowed to participate and it was sought to be reinforced by more than one Member that it is the inherent right of every member to speak in support of a point of order. It was also pointed out that the Speaker would be in error if he does not allow such Members to express themselves on the point of order. I then said that it raised a very interesting point and I reserved my ruling.

Now, a point of order is specifically provided for in rule 311 of the Rules of Procedure and it says 'that a point of order shall relate to the interpretation or enforcement of these rules or such articles of the Constitution as regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker.' The ultra vires of a Bill is a matter which is not within the cognizance of the Speaker; it is within the cognizance of the courts. Clause (2) of that rule provides that a point of order may be raised in relation to the business before the Assembly at the moment and clause (6) provides :

A member shall not raise a point of order—

- (a) to ask for information, or
- (b) to explain his position, or
- (c) when a question on any motion is being put to the Assembly, or
- (d) which may be hypothetical, or
- (e) that division bells did not ring or were not heard.

Then clause (4) says :

'No debate shall be allowed on a point of order but the Speaker may, if he thinks fit, hear members before giving his decision.'

So, one thing which is specifically put in the negative is that the Speaker will not be doing his duty if he allows a debate on a point of order. It